JESSICA SMITH
W.R. Kenan, Jr. Distinguished Professor
School of Government, The University of North Carolina at Chapel Hill
Campus Box 3330
Chapel Hill, NC 27599
(919) 966-4105
smithj@sog.unc.edu
on Twitter @ProfJessieSmith

EDUCATION

University of Pennsylvania Law School, Philadelphia, PA. J.D., May 1992

- *Magna Cum Laude*
- Member, Order of the Coif
- W. Foster Reeve, III Award
- Managing Editor, University of Pennsylvania Law Review, 1991 – 1992
- Associate Editor, University of Pennsylvania Law Review, 1990 – 1991

University of Pennsylvania, Philadelphia, PA. B.A., double major, Economics and Communications, May 1987

- *Cum Laude*

EMPLOYMENT HISTORY

School of Government, The University of North Carolina at Chapel Hill, Chapel Hill, NC

Professor of Public Law & Government, July 2011 – present.
Teach, write for, and consult with officials involved in the criminal justice system, including, among others, trial and appellate judges, prosecutors, public defenders, defense lawyers, magistrates, police officers, police attorneys, legislators and legislative staff, and the media. Extensive legislative work. Projects to create a fairer and more effective criminal justice system.

Associate Professor of Public Law & Government, July 2006 – June 2011. Same as above.

Assistant Professor of Public Law & Government. July 2000 – June 2006. Same as above.

Visiting Assistant Professor. Jan. 2000 – June 2000. Same as above.

Judge J. Dickson Phillips, Jr., U.S. Court of Appeals for the Fourth Circuit, Chapel Hill, NC

Law Clerk. Assisted in civil and criminal appeals. Sept. 1997 – April 1999.

Judge W. Earl Britt, U.S. District Court for the Eastern District of North Carolina, Raleigh, NC

Law Clerk. Assisted in civil and criminal trials. Oct. 1995 – Aug. 1997.

Covington & Burling, Washington, DC

Associate. Litigation and dispute resolution practice areas. Trial and appellate work. *Pro bono* work included preparing *amicus* briefs in Establishment Clause cases in the United

States Courts of Appeals for the Fifth and Eleventh Circuits and preparing position papers for the Council for Court Excellence on issues pertaining to judicial administration and court reform. Oct. 1992 – Oct. 1995.
Summer Associate. Researched and prepared legal memoranda. May 1991 – Aug. 1991.

Cohen, Shapiro, Polisher, Shiekman and Cohen, Philadelphia, PA
Summer Associate. Researched and prepared legal memoranda. June 1990 – Aug. 1990.

National Westminster Bank, USA, New York City, NY
Assistant Treasurer. Invested funds. Oversaw account administration. Met with prospects and prepared investment proposals. July 1988 – Aug. 1989.
Investment Officer Development Program. Participated in investment management. July 1987 – June 1988.

PROFESSIONAL AWARDS & HONORS

- Amicus Curiae Award (awarded by Chief Justice Mark Martin, NC Supreme Court), Sept. 2017.
- W.R. Kenan, Jr. Distinguished Professor (University-wide selection), April 2013.
- Albert and Gladys Hall Coates Term Professor for Teaching Excellence, UNC School of Government, 2006 – 2008.

FIELDS OF WORK AT THE SCHOOL OF GOVERNMENT

- Substantive criminal law
- Constitutional law
- Criminal procedure
- Criminal evidence

PUBLICATIONS

Books and Book Chapters

NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIME.

This book and its Supplements are purchased by the court system for every district and superior court judge, appellate court, magistrate, prosecutor and public defender in the state. It serves as a textbook for Basic Law Enforcement Training (BLET) in the Community College system and as a core resource for police officers and police departments. Additionally, thousands of copies are purchased by private lawyers and others involved in the criminal justice system. Starting with the 7th edition, it is available in two formats: a print version and web-based version. As indicated below, I have produced this book and all supplements since 2006.

JESSICA SMITH, NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIME. 864 pages (7th ed., UNC School of Government 2012).

JESSICA SMITH, CUMULATIVE SUPPLEMENT TO NORTH CAROLINA CRIMES (7th ed. 2012)
2018 Supplement, 267 pages (UNC School of Government, 2019).
2017 Supplement, 198 pages (UNC School of Government, 2018).
2016 Supplement, 198 pages (UNC School of Government, 2017).
2015 Supplement, 192 pages (UNC School of Government, 2016).
2014 Supplement, 175 pages (UNC School of Government, 2015).
2013 Supplement, 144 pages (UNC School of Government, 2014).
2012 Supplement, 65 pages (UNC School of Government, 2013).

JESSICA SMITH, NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIME 710 pages (6th ed., UNC School of Government 2007).

JESSICA SMITH, CUMULATIVE SUPPLEMENT TO NORTH CAROLINA CRIMES (6th ed. 2007)
2010 Supplement, 145 pages (UNC School of Government, 2011).
2009 Supplement, 120 pages (UNC School of Government, 2010).
2008 Supplement, 111 pages (UNC School of Government, 2009).
2007 Supplement, 55 pages (UNC School of Government, 2008).

JESSICA SMITH, CUMULATIVE SUPPLEMENT TO NORTH CAROLINA CRIMES (5th ed. 2001)
2006 Supplement, published as: ADMINISTRATION OF JUSTICE BULLETIN No. 2007/02, 62 pages (UNC School Government, Jan. 2007).

Editor, NC SUPERIOR COURT JUDGES' BENCHBOOK (UNC School of Government) (dynamic updates; online: http://benchbook.sog.unc.edu/) (2009 – present).
In addition to editing this book and writing the chapters listed below, I developed and implemented this novel method for delivering Benchbook content in collaboration with an IT team. In 2015 our work was featured in the National Center for State Courts' publication, Trends in State Courts: Leadership & Technology.

Jessica Smith, Forensic Science in U.S. Criminal Trials after *Melendez-Diaz,* in THE EXPERT WITNESS, FORENSIC SCIENCE, AND THE CRIMINAL JUSTICE SYSTEMS OF THE UK (*forthcoming* 2019).

in NC SUPERIOR COURT JUDGES' BENCH BOOK (UNC School of Government)
- *Crawford & the Confrontation Clause,* 42 pages (2009; Sept. 2012 rewrite; Sept. 2014, Aug. 2015 & July 2018 updates).
- *Trial in the Defendant's Absence,* 6 pages (2009; 2018 update).
- *Criminal Evidence: Expert Testimony,* 56 pages (Aug. 2017).
- *Motions for Appropriate Relief,* 43 pages (July 2010; Oct. 2012 rewrite; Dec. 2013, Jan. 2017 & Aug. 2017 updates).
- *Absolute Impasse,* 3 pages (Nov. 2011 & Aug. 2017 update).
- *Pleas and Plea Negotiations in Superior Court,* 34 pages (2009; June 2015 rewrite).
- *Pretrial Release,* 31 pages (Aug. 2010; May 2015 revision).
- *Post-Conviction DNA Testing,* 6 pages (2009; Feb. 2010 update; April 2015 rewrite).
- *Criminal Evidence: Rule 403,* 13 pages (Mar. 2010; July 2010 update; Jan. 2013 update; Mar. 2015 revision).

- *Criminal Evidence: Relevancy*, 16 pages (2010; Mar. 2015 update).
- *Trying a Non-Capital Criminal Case: An Outline for the Superior Court Judge*, 9 pages (Jan. 2010; June 2010, Sept. 2011, Oct. 2011, and Mar. 2015 updates).
- *Criminal Evidence: Pleas and Plea Negotiations*, 6 pages (2009; Mar. 2015 update).
- *Jury Verdict*, 12 pages (Feb. 2015).
- *Jury Deadlock*, 7 pages (Jan. 2015).
- *Warrantless Stops*, 43 pages (Oct. 2014).
- *Pennsylvania v. Ritchie:* Defendant's Right to Third Party Confidential Records, 5 pages (Sept. 2014).
- *Defendants' Objection to Early Disposal of Biological Evidence*, 2 pages (2009; Feb. 2010 update; Mar. 2014 rewrite).
- *Limitations on a More Severe Sentence after a Successful Appeal or Collateral Attack*, 8 pages (April 2014) (adapted from ADMIN. OF JUSTICE BULLETIN, listed below).
- *Habeas Corpus*, 10 pages (2010; Mar. 2014 rewrite).
- *Prayer for Judgment Continued*, 4 pages (2009, Oct. 2012 & Dec. 2013 updates).
- *Criminal Evidence: Hearsay*, 42 pages (Oct. 2013).
- *Criminal Evidence: Impeachment*, 10 pages (Sept. 2013).
- *Criminal Evidence: Habit*, 3 pages (June 2013).
- *Criminal Evidence: Character Evidence*, 17 pages (May 2013).
- *Rule 404(b): Evidence of Other Crimes, Wrongs, or Acts*, 18 pages (April 2013).
- *Rule 609: Impeachment by Evidence of Conviction of a Crime*, 8 pages (Feb. 2013).
- *Jury View*, 5 pages (Dec. 2012).
- *Note Taking by the Jury*, 3 pages (Nov. 2012).
- *Grand Jury: The Foreperson*, 11 pages (June 2012).
- *The Bruton Rule: Joint Trials and Codefendants' Confessions*, 4 pages (May 2012).
- *Jury Argument: Content of Opening and Closing Statements*, 14 pages (April 2012).
- *Refreshed Recollection*, 5 pages (Feb. 2012).
- *Correcting Errors Sua Sponte after Entry of Judgment*, 8 pages (Feb. 2012) (adapted from ADMIN. OF JUSTICE BULLETIN, listed below).
- *Sequestration of Witnesses*, 3 pages (Dec. 2011).
- *Motions to Dismiss for Insufficient Evidence*, 2 pages (Nov. 2011).
- *Corpus Delicti*, 4 pages (Nov. 2011).
- *Jury Review of Evidence*, 3 pages (Oct. 2011).
- *Restraining the Defendant during Trial*, 3 pages (Oct. 2011).
- *The Racial Justice Act*, 10 pages (Sept. 2010) (superseded).
- *Post-Conviction: Ineffective Assistance of Counsel Claims*, 3 pages (2009; July 2010 update) (adapted from INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS IN NORTH CAROLINA CRIMINAL CASES, listed below).
- *Arraignment*, 4 pages (2009).
- *Counsel Issues*, 6 pages (2009) (adapted from ADMIN. OF JUSTICE BULLETIN, listed below).

CRIMINAL PROCEEDINGS BEFORE THE NORTH CAROLINA MAGISTRATE, 83 pages (UNC School of Government, 2014).

INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS IN NORTH CAROLINA CRIMINAL CASES, 108 pages (UNC School of Government, 2003).

in NC LEGISLATION (UNC School of Government)

- *Criminal Law and Procedure*, pp. 43-52 (UNC School of Government 2004).
- *Criminal Law and Procedure*, pp. 31-40 (UNC School of Government 2003).

Reports

NORTH CAROLINA CRIMINAL JUSTICE SUMMIT: REPORT OF PROCEEDINGS, 21 pages (*forthcoming 2019).*

CRIMINAL CODE RECODIFICATION FOR NORTH CAROLINA, Reform proposal, for the North Carolina Administrative Office of the Courts, 6 pages (Feb. 2017).

This report formed the basis S.L. 2017-86, enacted by the North Carolina General Assembly.

JUVENILE REINVESTMENT, Report of the Criminal Committee of the North Carolina Commission on the Administration of Law & Justice, 31 pages (Feb. 2017).

This report formed the basis for Raise the Age legislation enacted by the North Carolina General Assembly in June 2017.

IMPROVING INDIGENT DEFENSE IN NORTH CAROLINA, Report of the Criminal Committee of the North Carolina Commission on the Administration of Law & Justice, 51 pages (Feb. 2017).

FINAL (SUMMARY) REPORT OF THE CRIMINAL INVESTIGATION AND ADJUDICATION COMMITTEE, North Carolina Commission on the Administration of Law & Justice, 4 pages (Feb. 2017).

INTERIM REPORT: CRIMINAL INVESTIGATION AND ADJUDICATION COMMITTEE, North Carolina Commission on the Administration of Law & Justice, 23 pages (July 2016).

REPORT OF THE STATE CRIME LAB WORKING GROUP: ADMINISTRATIVE SOLUTIONS TO ALLEVIATE LAB BACKLOG, 14 pages (Oct. 2014).

Monographs

Items marked with an asterisk are adapted from my other published work.

Pretrial Preventative Detention in North Carolina, 38 pages (Mar. 2019), https://www.sog.unc.edu/publications/articles/pretrial-preventative-detention-north-carolina

Criminal Evidence: Hearsay, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/08, 37 pages (UNC School of Government, October 2013).*

Criminal Evidence: Character Evidence, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/06, 17 pages (UNC School of Government, June 2013).*

Rule 404(b): Evidence of Other Crimes, Wrongs, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/04, 17 pages (UNC School of Government, April 2013).*

Remote Testimony and Related Procedures Impacting a Criminal Defendant's Confrontation Rights, ADMINISTRATION OF JUSTICE BULLETIN No. 2013/02, 18 pages (UNC School of Government, Feb. 2013).

Confrontation Clause Update: Williams v. Illinois and What It Means for Forensic Reports, ADMINISTRATION OF JUSTICE BULLETIN No. 2012/03, 14 pages (UNC School of Government, Sept. 2012).

Motions for Appropriate Relief, ADMINISTRATION OF JUSTICE BULLETIN No. 2010/03, 46 pages (UNC School of Government, June 2010).*

Understanding the New Confrontation Clause Analysis: Crawford, Davis, and Melendez-Diaz, ADMINISTRATION OF JUSTICE BULLETIN No. 2010/02, 28 pages (UNC School of Government, April 2010).

Criminal Procedure for Magistrates

- ADMINISTRATION OF JUSTICE BULLETIN No. 2009/08, 86 pages (UNC School of Government, Dec. 2009).
- ADMINISTRATION OF JUSTICE BULLETIN No. 2007/06, 57 pages (UNC School of Government, Nov. 2007).
- with Robert L. Farb, ADMINISTRATION OF JUSTICE BULLETIN No. 2004/09, 29 pages (UNC School of Government, 2003) 50% contribution.
- with Robert L. Farb, ADMINISTRATION OF JUSTICE BULLETIN No. 2003/06, 26 pages (UNC School of Government, 2003) 50% contribution.

Evidence Issues in Criminal Cases Involving Child Victims and Child Witnesses, ADMINISTRATION OF JUSTICE BULLETIN, No. 2008/07, 59 pages (UNC School of Government, 2008).

The Criminal Indictment: Fatal Defect, Fatal Variance, and Amendment, ADMINISTRATION OF JUSTICE BULLETIN

- No. 2008/03, 54 pages (UNC School of Government, 2008).
- No. 2004/03, 33 pages (UNC School of Government, 2004).

Selected Counsel Issues in North Carolina Criminal Cases, ADMINISTRATION OF JUSTICE BULLETIN No. 2007/04, 16 pages (UNC School of Government, July 2007).

Emerging Issues in Confrontation Litigation, 36 pages (UNC School of Government, Mar. 2007).

Pleas and Plea Negotiations in North Carolina Superior Court, ADMINISTRATION OF JUSTICE BULLETIN No. 2005/3, 24 pages (UNC School of Government, 2005).

Crawford v. Washington: Confrontation One Year Later, 35 pages (UNC School of Government, 2005).

Retroactivity of Judge-Made Rules, ADMINISTRATION OF JUSTICE BULLETIN No. 2004/10, 12 pages (UNC School of Government, 2004).

Motions for Appropriate Relief: Grounds that May be Asserted and Timing Rules for Asserting Them, ADMINISTRATION OF JUSTICE BULLETIN No. 2004/01, 10 pages (UNC School of Government, 2004).

Limitations on a Trial Judge's Authority to Impose a More Severe Sentence After a Defendant's Successful Appeal or Collateral Attack, ADMINISTRATION OF JUSTICE BULLETIN No. 2003/03, 7 pages (UNC School of Government, 2003).

Trial Judge's Authority to Sua Sponte Correct Errors after Entry of Judgment in a Criminal Case, ADMINISTRATION OF JUSTICE BULLETIN No. 2003/02, 9 pages (UNC School of Government 2003).

Two Issues in MAR Procedure: Hearings and Showing Required to Succeed on a MAR, ADMINISTRATION OF JUSTICE BULLETIN No. 2001/04, 24 pages (UNC Institute of Government, 2001).

Procedural Default in State and Federal Post-Conviction Proceedings, ADMINISTRATION OF JUSTICE BULLETIN No. 2001/01, 26 pages (UNC Institute of Government, 2001).

Articles

Building a Better Benchbook, TRENDS IN STATE COURTS (a publication of the National Center for State Courts), 9 pages (2015), with Stefanie Panke and Dan McAvinchey, 85% contribution.

State v. Lewis: There is Life After Crawford, 1 SWORD & SHIELD 1-2 (published by NC Conference of District Attorneys, Dec. 2005).

Avoiding Prognostication and Promoting Federalism: The Need for an Inter-Jurisdictional Certification Procedure in North Carolina, 77 UNIVERSITY OF NORTH CAROLINA LAW REVIEW, pages 2123-2147 (1999).

Other Papers and Writing

- ***Criminal Law Listserv.*** Same-day or same-week annotations of all published North Carolina criminal cases and U.S. Supreme Court cases impacting North Carolina criminal law, delivered by email. Over 4,500 subscribers.

- ***Smith's Criminal Case Compendium.*** Comprehensive annotations of significant cases affecting criminal proceedings in North Carolina. Indexed and fully searchable; continually

updated. Online (http://www.sog.unc.edu/node/1171). As of January 2019, 3,657 case entries.

- ***Blog Posts*** (UNC School of Government's Criminal Law Blog) (on-line at http://sogweb.sog.unc.edu/blogs/ncclaw/). 3,700+ subscribers. Most blogs posts are 2 pages in length. Items marked with an asterisk are adapted from my other published materials.

  - Bail Reform in North Carolina: Pretrial Preventative Detention (*forthcoming*).*
  - What Happens When Prosecutors Stop Asking for Cash Bail? (*forthcoming*).
  - A Simple Idea for Reducing FTAs on Summonses: Redesign the Form (*forthcoming*).
  - Overcriminalization and Ordinance Violations as Crimes (Mar. 22, 2019).
  - Bail Reform in North Carolina—Pilot Project: Citation in Lieu of Arrest (Mar. 14. 2019).
  - Bail Reform in North Carolina—Pilot Project: First Appearances for All Defendants (Mar. 13, 2019).
  - Bail Reform in North Carolina—Pilot Project: New Decisionmaking Framework (Feb. 28, 2019).
  - Bail Reform in North Carolina—Pilot Project: Early Involvement of Counsel (Feb. 27, 2019).
  - Bail Reform in North Carolina—What Are the Options? (Feb. 18, 2019).
  - Bail Reform in North Carolina—Why the Interest? (Feb. 14, 2019).
  - North Carolina's First Criminal Justice Summit (Feb. 4, 2019).
  - NC Supreme Court Broadens Coverage of "Maintaining a Dwelling" (Oct. 8, 2018).
  - Eleventh Circuit Weighs in on the Constitutional Parameters for Bail Systems (Sept. 24, 2018).
  - Does *McCoy v. Louisiana* Matter in North Carolina (June 26, 2018).
  - New NC Case on Testimonial Nature of Victim's Statements to Officers (June 14, 2018).
  - Fifth Circuit: Bail System Violates Due Process & Equal Protection (Mar. 26, 2018).
  - Confusing Recorded Recollection & Present Recollection Refreshed (Mar. 5, 2018).
  - Identifying a Person Shown in a Surveillance Video (Feb. 27, 2018).
  - *State v. Messer*, Uncorroborated Confessions & the Corpus Delicti Rule (Oct. 24, 2017).
  - U.S. Supreme Court Preview: *Carpenter v. United States* (Sept. 25, 2017).
  - Don't Instruct the Jury on a Theory that's Not Supported by the Evidence (June 5, 2017).
  - Counsel's Unconsented-to Admission to Elements Isn't a *Harbison* Error (Feb. 20, 2017).
  - Proving a Minor's Sexual Purpose for Sexual Assault Crimes (Feb. 13, 2017).
  - Attempted Assault Is a Crime (Jan. 25, 2017).
  - A Juvenile Justice Reform Proposal for NC (Aug. 15, 2016).
  - Is Involuntary Manslaughter a Lesser of Second-Degree Murder by Drug Overdose? (Nov. 10, 2015).
  - New Revenge Porn Crime (Nov. 3, 2015).
  - Reconciling Multiple Statutory Amendments Made in the Same Session (Oct. 29, 2015).
  - Changes to North Carolina's Sexual Assault Crimes (Oct. 14, 2015).
  - SCOTUS to Hear Argument in October about *Miller* Retroactivity (Sept. 22, 2015).
  - Does *Crawford* Apply in Pretrial Proceedings? (Aug. 31, 2015).
  - Challenging a Plea (Aug. 24, 2015).*

- Breach of a Plea Agreement (Aug. 12, 2015).*
- Buyer's Remorse: Withdrawing from a Plea Agreement (Aug. 4, 2015).*
- Plea Bargaining: What Can & Can't Be on the Table? (July 27, 2015).*
- NC Court of Appeals Holds that DMV Records Are Non-Testimonial (July 21, 2015).
- Is the NC Court of Appeals Lightening Up on Indictment Issues? (July 13, 2015).
- U.S. Supreme Court Rules that Child's Statements to Teachers Are Non-Testimonial (July 6, 2015).
- The Doctrine of Recent Possession (Feb. 3, 2015).
- Sex Crimes and Penetration (Jan. 12, 2015).
- Competency & the Residual Hearsay Exception (Jan. 6, 2015).
- U.S. Supreme Court to Decide Whether Child's Statements to Teacher Were Testimonial (Dec. 15, 2014).
- Authenticating Social Media Evidence (Dec. 2, 2014).
- Warrantless Stops 101—Was the Stop Supported by Reasonable Suspicion? (Nov. 18, 2014).*
- Warrantless Stops 101—Did a Seizure Occur (October 13, 2014).*
- Counsel's Unconsented-To Admission is Reversible Error, Except When It's Not (Oct. 8, 2014).
- Defendant's Right to Third-Party Confidential Records (Oct. 2, 2014).*
- *Riley* and Retroactivity (July 29, 2014).
- With Cert Denials, Hope Fades for Clarification on Use of Substitute Analysts (June 4, 2014).
- Statutorily Mandated Sentences: An Exception to G.S. 15A-1335 (April 21, 2014).
- 15A-1335: When is a Sentence "More Severe"? (April 14, 2014).
- A 2013 Rollback of State Procedural Protections for Defendants (April 7, 2014).
- Miller Retroactivity: Where Are We? (Mar. 31, 2014).
- Hearsay Exceptions: Statements Against Penal Interest (Mar. 24, 2014).*
- Hearsay Exceptions: Former Testimony & Dying Declarations (Mar. 17, 2014).*
- Hearsay Exceptions: What Does "Unavailability" Mean? (Mar. 10, 2014).*
- Hearsay Exceptions: The Residual Exceptions (Mar. 4, 2014).*
- Hearsay Exceptions: Public Records & Reports (Feb. 24, 2014).*
- Hearsay Exceptions: Business Records (Feb. 19, 2014).*
- Hearsay Exceptions: Recorded Recollection (Feb. 18, 2014).*
- A Recurring Issue in Kidnapping Cases (Feb. 3, 2014).
- A Conversation with Justice Scalia (Jan. 29, 2014).
- Hearsay Exceptions: Then Existing Mental, Emotional, or Physical Condition (Jan. 21, 2014).*
- 2013 Wrap Up: Significant SCOTUS Cases (Jan. 13, 2014).
- Premeditation and Deliberation (Dec. 18, 2013).
- Hearsay Exceptions: Present Sense Impressions & Excited Utterances (Nov. 18, 2013).*
- Hearsay Exceptions: Admissions by Party-Opponents (Nov. 12, 2013).*
- Character Evidence Made Simple (Nov. 4, 2013).
- NC Prostitution Changes (October 28, 2013).
- Impeachment with Evidence of Bias (October 21, 2013).

- NC Tightens its Laws on Disorderly Conduct at Funerals (October 14, 2013).
- Remember Those Timelines for Non-Capital Motions for Appropriate Relief? (Oct. 8, 2013).
- North Carolina's "Caylee's Law" (Oct. 3, 2013).
- Forced Self-Penetration Supports a Sex Offense Conviction (Sept. 25, 2013).
- Imposing Fees for Forensic Expert Testimony—Is it Constitutional? (Sept. 18, 2013).
- Impeachment by Prior Inconsistent Statement (Sept. 11, 2013).
- NC Court Takes a Restrictive View of "Significant Change in the Law" MARs (Aug. 19, 2013).
- Involuntary Manslaughter: A Recent Case & A Quick Review (Aug. 12, 2013).
- The NC Supreme Court's Recent Substitute Analyst Cases (July 10, 2013).
- Why Trafficking Really Bites (June 11, 2013).
- Beyond Legislative Solutions to *Melendez-Diaz* (June 10, 2013).
- Damage to a Computer (June 5, 2013).
- Rule 404(b): The Requirement of Temporal Proximity (May 21, 2013).*
- Rule 404(b): The Requirement of Similarity (May 14, 2013).*
- Rule 404(b): Proper Purpose Other Than Propensity (May 7, 2013).*
- Rule 404(b): Did He Really Do It? (April 30, 2013).*
- Rule 404(b): Bare Fact of Conviction Rule (April 17, 2013).*
- NC Court of Appeals OKs Remote Two-Way Testimony for Ill Witnesses (April 10, 2013).
- Fourth Circuit Declines to Take a Restrictive View of Forfeiture by Wrongdoing (April 3, 2013).
- Claims that Survive an Unconditional Guilty Plea (Mar. 27, 2013).
- Are a Child's Statements to a Treating Psychologist Admissible Under *Hinnant*? (Mar. 20, 2013).
- A Silver Lining for the Defense in *Chaidez*? (Mar. 13, 2013).
- Jury Review of the Evidence: Say The Magic Words! (Mar. 6, 2013).
- U.S. Supreme Court Ruling: *Padilla* Is Not Retroactive (Feb. 21. 2013).
- Jury View (Jan. 10, 2013).
- View of the Person (Jan. 3, 2013).
- Going Armed to the Terror of the People (Dec. 20, 2012).
- Experts in Child Sex Cases: Reversible Error in a Recent Case (Dec. 10, 2012).
- California Tackles Substitute Analysts Post-*Williams* (Dec. 3, 2012).
- Delivery of a Controlled Substance and the "Pot Exception" (Nov. 26, 2012).
- Identity Theft (Nov. 19, 2012).
- Forfeiture of Counsel and "Gray Area" Defendants (Nov. 15, 2012).
- Note Taking by Jurors (Nov. 7, 2012).*
- Tight New Timelines for Motions for Appropriate Relief (Oct. 29, 2012).
- Discharging a Weapon into an Occupied Dwelling: If People Are on the Porch, It's Occupied (Oct. 23, 2012).
- Expert Testimony: "The Child Was Sexually Abused" (Oct. 18, 2012).
- Jury's Review of Evidence (Sept. 24, 2012).*
- Waiver of Counsel: A Quick Refresher (Sept. 10, 2012).

- When Do The Evidence Rules Apply? (Sept. 4, 2012).
- Explaining the Defendant's Absence at Trial (Aug. 27, 2012).
- Fatal Variance—Use It or Lose It (Aug. 20, 2012).
- Alibi Defense Doesn't Mean the State Can't Amend Offense Date (Aug. 16, 2012).
- *Crawford's* Implications on *Bruton* (Aug. 7, 2012).*
- The *Bruton* Rule: A Primer (Aug. 6, 2012).*
- Notice and Demand – One More Time (July 25, 2012).
- Repressed Memory Evidence (July 16, 2012).
- Court OKs Measuring Combined Bags in Drug Cases (July 11, 2012).
- The New Terrorism Offense (July 5, 2012).
- Don't Look a Gift Horse in the Mouth (June 25, 2012).
- The Circumstantial Murder Case (June 18, 2012).
- 4th Circuit Ruling: Child's Statements to Social Worker Are Non-testimonial (June 13, 2012).
- Overstating Possible Punishment and the (In)voluntary Nature of the Plea—Part II (June 4, 2012).
- NC Court of Appeals Weighs in on "Testimonial" Evidence after *Bryant* (May 29, 2012).
- Jury Argument—Part III (May, 21, 2012).*
- Jury Argument—Part II (May 14, 2012).*
- Jury Argument—Part I (May 7, 2012).*
- Child Victims & The Medical Diagnosis and Treatment Hearsay Exception (April 30, 2012).
- Is *Kenton* Retroactive? (April 23, 2012).
- A Defense Win on a Newly Discovered Evidence Claim (April 16, 2012).
- A Motion to Suppress a Prior Conviction Isn't a Collateral Attack (April 10, 2012).
- North Carolina Has Its First Forfeiture By Wrongdoing Case (April 2, 2012).
- Overstating Possible Punishment and the (In)voluntary Nature of the Plea (Mar. 27, 2012).
- Court OKs Offensive Collateral Estoppel (Mar. 20, 2012).
- No Relief from Fair Sentencing (Mar. 12, 2012).
- Court Strikes Down Internet Sweepstakes Ban (Mar. 8, 2012).
- "Show Me the Money": Specific Performance of a Plea Agreement (Mar. 5, 2012).
- NC Court of Appeals Rules that *Padilla* Is Not Retroactive (Feb. 27, 2012).
- "It's Testimonial, Stupid" (Feb. 20, 2012).
- Use of a Defendant's Pre- and Post-Arrest Silence at Trial (Feb. 13, 2012).
- What Does It Mean to "Enter"? (Feb. 6, 2012).
- Defending Santa: Is It a "Breaking" to Enter Through an Open Chimney? (Jan. 23, 2012).
- Pretrial Release – Part 4: Refusal to Provide Identification & Noncitizens (Jan. 19, 2012).*
- What's in a Name? (Jan. 17, 2012).
- Pretrial Release – Part 3: Limits on When and What Conditions May Be Imposed (Jan. 9, 2012).*
- Pretrial Release – Part 2: Who Sets Conditions? What Are The Options? (Jan. 3, 2012).*
- Pretrial Release – Part 1: Who Gets Conditions? (Dec. 19, 2011).*

- Unavailability under *Crawford* (Dec. 14, 2011).
- Corpus Delicti (Nov. 21, 2011).
- Absolute Impasse (Nov. 14, 2011).
- Court Holds that Probable Cause Hearing Provides a Prior Opportunity to Cross Examine (Nov. 7, 2011).
- Jessie's Top Five Indictment Errors (Oct. 20, 2011).
- Forfeiture of the Right to Counsel (Oct. 17, 2011).
- NC Court Holds that *Maryland v. Craig* Survives *Crawford* (Oct. 13, 2011).
- Cyberstalking (Oct. 10, 2011).
- Is *Padilla* Retroactive? (Oct. 4, 2011).
- You Can Hold Me Down: Restraining the Defendant during Trial (Sept. 28, 2011).
- Eating the Evidence (Sept. 21, 2011).
- On the Horizon: U.S. Supreme Court to Decide Another Substitute Analyst Case (Sept. 1, 2011).
- How to Take a Waiver of Counsel (Aug. 25, 2011).
- Maintaining a Dwelling—Part II (Aug. 16, 2011).
- Drug Crimes—Maintaining a Dwelling (Aug. 15, 2011).
- Crime against Nature (July 26, 2011).
- New Crimes Protecting Unborn Children (July 18, 2011).
- *Bullcoming* and Substitute Analysts (June 29, 2011).
- Sexual Assaults: One Conviction or Two? (May 16, 2011).
- *Michigan v. Bryant* – Part 3 (Mar. 24, 2011).
- *Michigan v. Bryant* – Part 2 (Mar. 23, 2011).
- *Michigan v. Bryant* – Part 1 (Mar. 22, 2011).
- Trial in the Defendant's Absence (Mar. 1, 2011).
- Assaults: One Conviction or Two? (Feb. 16, 2011).
- Two-Way Remote Testimony: Will It Pass Muster? (Part III) (Feb. 10, 2011).*
- Two-Way Remote Testimony: Will It Pass Muster? (Part II) (Feb. 9, 2011).*
- Two-Way Remote Testimony: Will It Pass Muster? (Part I) (Feb. 8, 2011).*
- Continuing Criminal Enterprise — Non-Drug Offenses (Jan. 26, 2011).
- Accessory After the Fact – A Recent Decision Creates Confusion (Jan. 18, 2011).
- Aiding and Abetting (Jan. 5, 2011).
- Mistake of Fact: A Negating Defense (Dec. 10, 2010).
- Strict Liability Crimes (Nov. 30, 2010).
- Criminal Negligence (Nov. 18, 2010).
- Transferred Intent (Nov. 17, 2010).
- Cyberbullying (Nov. 11, 2010).
- U.S. Supreme Court Grants Cert. in Substitute Analyst Case (Nov. 8, 2010).
- Constructive Possession of Drugs (November 1, 2010).
- The Racial Justice Act—Issues on the Horizon (October 25, 2010).
- Motions for Appropriate Relief and Procedural Default (Aug. 24, 2010).
- New Trial Ordered in Unpublished *Melendez-Diaz* Autopsy Case (Aug. 16, 2010).
- Statute of Limitations on Defense Motions for Appropriate Relief (Aug. 11, 2010).

- No High Court Ruling on Whether Two-Way Video Testimony Satisfies *Crawford* (Aug. 9, 2010).
- Court of Appeals Holds that *Harbison* Survives *Nixon* (July 20, 2010).
- North Carolina Supreme Court Enters Temporary Stays in Two Substitute Analyst Cases (July 15, 2010).
- United States Supreme Court Denies Certiorari in Substitute Analyst Case (June 15, 2010).
- *State v. Johnson* and Retroactivity of *Gant* (June 3, 2010).
- Move to Strike My Last Post (May 20, 2010).
- Foundation for a Substitute Analyst's Opinion after *Melendez-Diaz* (May 14, 2010).
- 404(b) Evidence and the Bare Fact of a Prior Conviction (April 29, 2010).
- Photographs of Homicide Victims (April 19, 2010).*
- Rule 403: *Old Chief* & Stipulations to Prior Convictions (Mar. 30, 2010).*
- Relevancy: Weapons (Mar. 23, 2010).*
- Relevancy: "Context," "Circumstances," and "Chain of Events" Evidence (Mar. 17, 2010).*
- Relevancy: Guilt of Another (Mar. 8, 2010).*
- High Court Declines to Revisit or Modify *Melendez-Diaz* (Jan. 26, 2010).
- North Carolina's Notice and Demand Statute for Chemical Analyses in Drug Cases Is Constitutional (Jan. 6, 2010).
- *State v. Mobley*: Green Light to the Use of Substitute Analysts (Nov. 4, 2009).
- *Galindo* & "Substitute Analysts" After *Melendez-Diaz* (Oct. 22, 2009).
- *State v. Locklear* and the Admissibility of Forensic Reports (Sept. 1, 2009).
- Retroactivity of *Melendez-Diaz* (Again) (July 27, 2009).
- Retroactivity of *Melendez-Diaz* (July 20, 2009).

- ***Faculty Papers***
  - The North Carolina General Assembly's Response to *Melendez-Diaz*, 4 pages (Aug. 2009).
  - *Melendez-Diaz* & the Admissibility of Forensic Laboratory Reports & Chemical Analyst Affidavits in North Carolina Post-*Crawford*, 8 pages (July 2008).
  - *Supplement to: Crawford v. Washington*: Confrontation One Year Later, 25 pages (Sept. 2006).
  - North Carolina Sentencing After *Blakely v. Washington* and the *Blakely* Bill, 40 pages (Sept. 2005).
  - Confrontation after *Crawford v. Washington*, 66 pages (July, 2004, Oct. 2004, & Feb. 2005 editions).

TEACHING

UNC School of Government School and Conferences

- ***Regularly Scheduled Teaching.***
  - ***Appellate Training: New & Emerging Issues*** (annually for the NC Court of Appeals). Sessions taught: NC & US Supreme Court Review (annually);

Warrantless Stops; *Williams v. Illinois:* The Latest on Forensic Testing; *Melendez-Diaz* and Other *Crawford* Issues; Ineffective Assistance of Counsel; Post-Conviction Procedure; Expert Testimony in Child Sexual Assault Cases.

- ***Orientation for New Superior Court Judges*** (annually). Sessions taught: Pretrial Release; Counsel Issues; Guilty Pleas; Correcting Errors in Criminal Judgments; Motions for Appropriate Relief.
- ***Conference of Superior Court Judges*** (twice per year). I have taught a wide variety of topics at these conferences, including for example: Criminal Legislative Update (annually); Criminal Case Law Update (twice a year); The Criminal Indictment; *Crawford* & the Confrontation Clause (multiple sessions); *Blakely v. Washington* and NC Sentencing (multiple sessions); Pleas & Plea Negotiations; Prior Bad Acts Evidence; The Fourth Amendment; Counsel Issues; Double Jeopardy; Motions for Appropriate Relief; Prayer for Judgment Continued; Character Evidence.
- ***Advanced Criminal Evidence*** (every five years; for superior court judges). Sessions taught: Relevancy; Limits on Relevancy; Character Evidence; The Confrontation Clause; Hearsay Issues in Child Victim Cases; Expert Testimony in Child Victim Cases; Case Management; Evidence Problems.
- ***Advanced Criminal Procedure*** (every five years; for superior court judges). Sessions taught: Double Jeopardy; Sixth Amendment Right to Counsel Issues; Criminal Procedure & Confrontation Rights; After the Conviction—What Next?
- ***Post-Conviction Proceedings*** (every five years; for superior court judges). Sessions taught: Procedural Issues Pertaining to Motions for Appropriate Relief; Motions for Appropriate Relief Challenging Guilty Pleas; Motions for Appropriate Relief Asserting Ineffective Assistance of Counsel; Habeas Corpus; Post-Conviction DNA Testing.
- ***Capital Law*** (every five years; for superior court judges). Sessions taught: Counsel Issues in Capital Cases.
- ***School for New Prosecutors*** (annually until 2017). Sessions taught: A New Prosecutor's Guide to Confrontation.
- ***New Felony Defender Program*** (annually until 2017). Sessions taught: The Criminal Indictment.
- ***New Misdemeanor Defender Program*** (annually until 2017). Sessions Taught: A Defender's Guide to Confrontation
- ***Basic School for Magistrates*** (twice per year until 2019). Sessions taught: Selecting Proper Process; Initial Appearance and Pretrial Release; Search Warrants; Introduction to Elements of Crimes; Drug Crimes; Burglary and Related Offenses; Assaults; Sexual Assaults; Larceny & Robbery; Disorderly Conduct; Weapons & Resisting Crimes; Trespass; Arson; Drug Law; Homicide; Motor Vehicle Offenses; Civil License Revocations & Vehicle Forfeitures; Issues in Criminal Law & Procedure
- ***Magistrates Conferences and One-Day Schools*** (once every 3 years until 2017). Sessions taught: I have taught a wide variety of topics at these events, including for example: Criminal Law Case Update (multiple sessions); Criminal Law Legislative Update (multiple sessions); Trespass; Weapons Offenses; Fugitives; Detention; Habitual Crimes; Assaults; Issuing Search & Administrative Inspection Warrants; Motor Vehicle

Law; Magistrate's Authority to Hold a Criminal Defendant; Release Orders and Bond Forms; Handling Out-of-County Process.
    - ***Advanced Criminal Procedure for Magistrates*** (every other year until 2017). Sessions Taught: Initial Appearance

- ***Non-Recurring Sessions in School of Government Schools & Conferences***
    - Moderator, Bail Reform, North Carolina Criminal Justice Summit, Mar. 2019.
    - Moderator, Overcriminalization, North Carolina Criminal Justice Summit, Mar. 2019.
    - Criminal Justice Reform, Senior Resident Superior Court Judges' Meeting, Oct. 2016.
    - Four Criminal Justice Reform Proposals for North Carolina, Chief District Court Judges Leadership Program, Sept. 2016.
    - Recommendations of the Crime Lab Working Group, Senior Resident Superior Court Judges' Meeting, Oct. 2014.
    - A Judge's Guide to Confrontation Clause Analysis, NC District Court Judges' Special Topics Seminar, April 2010.
    - Hearsay Issues in District Court Cases Involving Child Witnesses, NC District Court Judges' Special Topics Seminar, April 2010.
    - Expert Testimony in District Court Cases Involving Child Sexual Abuse, NC District Court Judges' Special Topics Seminar, April 2010.
    - Expert Testimony in Child Abuse Cases, Department of Social Services Attorneys' Conference, Feb. 2010.
    - Hearsay Issues in Child Abuse Cases, Department of Social Services Attorneys' Conference, Feb. 2010.
    - Non-Citizens, ICE Detainers, & Defendants Who Refuse to Identify Themselves, Senior Resident Superior Court Judges' Meeting, Oct. 2009.
    - Pretrial Release Policies, Senior Resident Superior Court Judges' Meeting, Oct. 2009.
    - *Crawford* and the Confrontation Clause: What Defenders Need to Know (program co-sponsored by the UNC School of Government and the NC Indigent Defense Services) May 2007.
    - *Crawford v. Washington:* Strategies for Defense Counsel (program co-sponsored by the NC Indigent Defense Services and the UNC School of Government) May 2006.
    - Court Systems (session of MPA course; with James Drennan), PUBA 230: Introduction to Law for Public Administration, 2 sessions: Sept. 2005 and Sept. 2004.
    - Confrontation After *Crawford v. Washington*, 13th Annual Public Law for the Public's Lawyers Program (program sponsored by the UNC School of Government, The NC Department of Justice, and The Legislative Services Office of the NC General Assembly), Sept. 2004.
    - Disorderly Conduct; Homicide; Arson; Drug Crimes; Disorderly Conduct, Basic Law Enforcement Training for Wildlife Officers, April 2004.
    - Introduction to Criminal Law; Assaults; Sexual Assaults; Burglary; Larceny, Robbery & Kidnapping; Trespass, Basic Law Enforcement Training for Wildlife Officers, May 2003.
    - Avoiding Procedural Default in State Post-Conviction Proceedings, North Carolina Public Defenders' Fall Conference, Oct. 2000.

<u>Speaker—Outside Conferences & Meetings—International, National & Regional</u>

- Measuring Criminality: Empirical Risk Assessment in U.S. Criminal Justice, Università del Salento, Lecce, Italy, April 2018 (for doctoral students).
- Comparative Criminal Law, Università del Salento, Lecce, Italy, April 2018 (for law students).
- Constitutional Protections in a High-Tech World, Cambridge University School of Law, Cambridge, England, Nov. 2015.
- Homicide: Comparing US & English Law, King's College London, Dickson Poon School of Law, London, England, Nov. 2015.
- Constitutional Protections in a High-Tech World, University of Edinburgh School of Law, Constitutional Law Discussion Group, Edinburgh, Scotland, May 2015.
- Constitutional Protections in a High-Tech World, University of Dundee School of Law, Presentation for law faculty and students, Dundee, Scotland, April 2015.
- Assessing the Constitutionality of States' Responses to *Melendez-Diaz* (refereed abstract), 4th Annual Constitutional Law Colloquium, Loyola Univ. of Chicago School of Law, Nov. 2013.
- U.S. Supreme Court Review: New and Emerging Issues, Southern Supreme Court Judges Conference, Sept. 2011 (sponsored by the National Center for State Courts and the Southern High Court Conference).
- Emerging Issues in Confrontation Clause Litigation: A Guide for Appellate Judges (program sponsored by the NC and SC Administrative Offices of the Courts) Feb. 2007.

<u>Speaker—Outside Conferences & Meetings—North Carolina</u>

- Bail Reform, North Carolina Governor's Crime Commission, Mar. 2019.
- NC Pretrial Law & Practice, Invited presentation, NC Attorney General's Pretrial Justice Roundtable, Jan. 2019.
- Pretrial Reform for North Carolina, Invited presentation, NC Courts Commission, Sept. 2018.
- Pretrial Justice Reform: Why, How, When? NC Commission on Racial and Ethnic Disparities in the Criminal Justice System, May 2018.
- Pretrial Justice Reform for NC, Seeking Racial Justice, May 2018 (Program put on by the NC Advocates for Justice).
- Overcriminalization: A NC Issue (session for the John Locke Foundation) (archived online: https://www.johnlocke.org/person/jessica-smith/), May 2018.
- Bail Reform in the States (session in UNC Law School Criminal Procedure Class), Sept. 2017.
- Juvenile Justice Reform in North Carolina (Program put on by the Chief Justice of the NC Supreme Court for the State Justice Institute, a national organization working to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts), Sept. 2017.
- Panelist, Mens Rea Reform: Does Overregulation Turn Ordinary People Into Criminals? (Lecture sponsored by the John Locke Foundation and the Texas Public Policy Foundation), Mar. 2017.

- Raising the Juvenile Age: Issues for Police Chiefs, North Carolina Police Executives Association 70th Annual Training Conference, July 2016.
- Assessing Potential Responses to *Melendez-Diaz* (sponsored by the NC Conference of District Attorneys), Aug. 2014.
- Remote Testimony and Other Related Procedural Mechanisms Implication Confrontation Rights (for NC Bar Ass'n Judicial Administration Committee), Feb. 2014.
- *Melendez-Diaz*: Implications for State Crime Labs, Forensic Science Advisory Board (for NC Crime Lab), Jan. 2014.
- Confrontation Update, Federal Criminal Practice Seminar (program sponsored by Federal Public Defenders Office, E.D.N.C.), Nov. 2012.
- Hearsay Issues in Child Witness Cases (Cumberland County Family Court Training), Aug. 2012.
- Expert Testimony in Child Abuse Cases, (Cumberland County Family Court Training), Aug. 2012.
- Notice & Demand Statutes: Tools for Avoiding *Crawford* Issues, 2012 Highway Safety Symposium (program sponsored by, among others, NC Conference of District Attorneys and the NC Governor's Highway Safety Program), Mar. 2012.
- Notice & Demand Statutes: Tools for Avoiding *Crawford* Issues, NC Conference of District Attorneys, Oct. 2011.
- The Criminal Indictment: What Felony Prosecutors Need to Know, Transition from District to Superior Court, Aug. 2011 (program sponsored by the NC Conference of District Attorneys).
- The Criminal Indictment (program sponsored by the NC District Attorneys' Conference), June 2009.
- Advanced *Crawford* (program sponsored by the NC District Attorneys' Conference), June 2009.
- The Child's Out of Court Statements: Constitutional Issues, The Child Sexual Abuse Trial (program sponsored by the NC Conference of District Attorneys), Feb. 2009.
- The Child's Out of Court Statements: Hearsay Issues, The Child Sexual Abuse Trial (program sponsored by the NC Conference of District Attorneys), Feb. 2009.
- Investigating Domestic Violence Crime Post-*Crawford:* A Primer for Law Enforcement Officers (Program sponsored by the NC Conference of District Attorneys), April & Feb. 2008.
- *Crawford:* A Tool for Federal Defenders (Federal Criminal Practice Seminar program sponsored by the Office of Federal Public Defender, E.D.N.C.), Oct. 2007.
- *Crawford* Issues in Domestic Violence Cases: A Program for Judges and Prosecutors (program sponsored by the NC Conference of District Attorneys), April 2007.
- Confrontation Issues in Child Victim Prosecutions (program sponsored by the NC Governor's Crime Commission in association with the NC Conference of District Attorneys), Mar. 2007.
- Domestic Violence Prosecutions After *Crawford* and *Davis* (program sponsored by the NC Conference of District Attorneys), Nov. 2006.
- Confronting the *Crawford* Issue (program sponsored by the NC Professional Society on the Abuse of Children), Oct. 2006.

- *Crawford v. Washington:* Confronting the Confrontation Clause Objection (program sponsored by the NC Conference of District Attorneys), May 2006.
- *Crawford v. Washington*: Implications in Child Victim Cases (program sponsored by the Child Medical Evaluation Program, Department of Pediatrics, UNC Chapel Hill and the Halifax County Department of Social Services), Sept. 2005.
- Child Medical Examinations After *Crawford v. Washington* (program sponsored by the Committee on Child Abuse & Neglect of the North Carolina Pediatric Society), July 2005.
- Criminal Law Update: Recent Cases & New Legislation, NC Conference of District Court Judges, Oct. 2004.

Online & Distance Learning Modules/Webinars

- *Crawford* and the Confrontation Clause Illuminated, Live Webinar to National Audience, Dec. 12, 2013.
- Code of Judicial Conduct, Canons 1-3, with Paul Ross, Executive Director, NC Judicial Standards Commission, 2013.
- Code of Judicial Conduct, Canons 4-7, with Paul Ross, Executive Director, NC Judicial Standards Commission, 2013.
- Judicial Ethics, with Paul Ross, Executive Director, NC Judicial Standards Commission, 2011.
- Correcting Errors after Entry of Judgment in a Criminal Case, Feb. 2009.
- Ineffective Assistance of Counsel Claims, 2009.
- Confronting the Confrontation Issue: *Crawford* Update, Nov. 2006.
- NC Sentencing After *Blakely* and the *Blakely* Bill, Oct. 2005.
- Pleas & Plea Negotiations, July 2005.
- *Blakely* Retroactivity & *Crawford* Update, Nov. 2004.
- Jury Argument, 404(b) Evidence, Probation, and Prayer for Judgment Continued, Nov. 2004.
- Confrontation After *Crawford v. Washington*, June 2004.
- Habitual Felon Law, Correcting Errors, and Resentencing, June 2003.
- Motions for Appropriate Relief, Jan. 2003.
- Developments in Fourth Amendment Law, Oct. 2002.
- Jurors, Evidence Issues in Child Sex Cases, & Recent Sixth Amendment Cases, July 2002.
- Probation, Waiver & Forfeiture of Counsel, Jury Argument & Double Jeopardy, Feb. 2002.

Non-Legal Teaching

- Train the Trainers: A Course for Citizens' Police Academy Faculty, Feb. 2013.
- SOG Web Resources for Superior Court Judges, Feb. 2010 (online module).
- Resources for Superior Court Judges, NC Conference of Superior Court Judges, Oct. 2010, Oct. 2009 & at the annual Orientation for New Superior Court Judges.
- Research Assistant Tutorial, with Bonni Baird, 2009 (online module).

- Designing Effective Teaching Sessions; Using PowerPoint and TurningPoint; Creating a Lesson Plan, NC Judicial College Faculty Development Seminar, Mar. 2008.
- The Effective Use of PowerPoint, Faculty Presentation, UNC School of Government, May 2005.

Curriculum & New Course Development

- North Carolina Criminal Justice Summit. Conceived and organized North Carolina's first Criminal Justice Summit. Held in March 2019 and attended by 250 state leaders and officials. National and state experts with broad-ranging ideological perspectives discussed key issues capturing attention in North Carolina and around the nation: bail reform; overcriminalization; and barriers to re-eentry, including fines and fees and the criminal record and collateral consequences. Details: https://www.sog.unc.edu/courses/north-carolina-criminal-justice-summit.
- For the NC Judicial College, developed a rotating 5-year curriculum for North Carolina superior court judges. In addition to the Judicial College courses that I developed (listed below) curriculum includes the following courses administered by others: New Chief Judges & Senior Residents School, Sentencing Seminar, Judicial Authority, Capital Law, Civil Procedure, Sentencing Law, Judicial District Executive Program, Arrest, Search & Investigation, and Advanced Civil Topics.
- North Carolina Conference of Superior Court Judges. Three- to four-day course, ongoing since 2001; now twice yearly. I have planned and implemented conferences covering civil and criminal topics, evidence, ethics, court administration, and more.
- Orientation for New Superior Court Judges. Five-day, annual program since 2003. Coverage includes: conducting criminal court, civil procedure, evidence, pro se litigation, contempt, computer training, fairness, ethics, jurisdiction, interpreter issues, and more.
- New and Emerging Legal Issues. One- or two-day, annual course for judges on the North Carolina Court of Appeals since 2009. Coverage varies but has included, among other things: Supreme Court review, consumer lending issues, land use law, racial issues in criminal cases, family law, post-conviction procedure, forensic testing, juvenile law, and voting law.
- Advanced Criminal Procedure. Five-day course for superior court judges. Coverage includes: discovery, motions to suppress, double jeopardy, counsel issues, trying the notorious case, jury selection, sex offenders, and more.
- Advanced Criminal Evidence. Four-day course for superior court judges. Coverage includes: relevancy and its limits, witnesses and impeachment, character and habit evidence, hearsay, Rule 404(b) evidence, confrontation clause issues, privileges, rape shield, and more.
- Post-Conviction Proceedings. One-day course for superior court judges. Coverage includes: motions for appropriate relief, ineffective assistance of counsel, sentencing errors, habeas corpus, expunction, and more.
- U.S. Supreme Court Seminar. 3-day course for superior court judges. Coverage has included: Oral argument at the U.S. Supreme Court, private meeting with Supreme Court Justices, seminars at the National Center for State Courts, education programming at the U.S. Holocaust Memorial Museum, a meeting with North Carolina's Senator, tours of the U.S. Supreme Court Building, the National Archives and the U.S. Capitol, and swearing-in of judges as members of the U.S. Supreme Court Bar.

- England Judicial Education Seminar. Weeklong course for superior court judges in England. Coverage includes: Lectures and seminars, including at Cambridge University Faculty of Law, court visits, and meetings with judicial and other officials.
- Fourth Amendment. One-day course for superior and district court judges. Coverage included: warrantless searches, vehicle stops, searches of prisoners, checkpoints, and chemical analysis.
- NC Judicial College Faculty Development Seminar. One-day course to develop NC Judicial College judge-faculty. Coverage included: learning objectives, developing a lesson plan, tools for engaged learning, effective use of visual aids, and more.
- Managing the Capital Case in North Carolina. Led North Carolina's participation in a project co-sponsored with the National Judicial College to develop and implement a 2½-day course for trial judges in capital litigation. Coverage included: pretrial issues, jury issues, case management, guilt phase issues, penalty phase issues, aggravating circumstances, mitigating circumstances, ethics, and more.

ADVISING & RELATED ACTIVITIES

Recodification Working Group. Working with a group of stakeholders and legislators on a criminal justice reform project to address overcriminalization by creating a streamlined, comprehensive criminal code. 2017 – present.

- Preliminary legislation enacted: S.L. 2017-86.
- CRIMINAL CODE RECODIFICATION FOR NORTH CAROLINA, Reform proposal, for the North Carolina Administrative Office of the Courts, 6 pages (Feb. 2017).
- Criminal Code Recodification for NC, on YouTube: https://www.youtube.com/watch?v=QaTjsmL1nvM
- Overcriminalization: A NC Issue (session for the John Locke Foundation) (archived online: https://www.johnlocke.org/person/jessica-smith/), May 2018.

Implementing Evidence-Based Pretrial Justice Practices in NC Judicial District 30B. In partnership with the Senior Resident Superior Court judge secured funding from the State justice Institute for this NC Court System-sanctioned project. Work with local justice system stakeholders—judges, prosecutors, magistrates, defense counsel, clerks and law enforcement—to implement and empirically evaluate six pretrial justice reforms. 2017 – present.

School-Justice Partnership Working Group. Worked with Court System officials and NC Administrative Office of the Courts staff to develop a Toolkit for local jurisdictions to create School-Justice Partnerships, programs designed to address minor student misconduct when it where it happens in school, rather than by referral to the justice system, as recommended by North Carolina's 2017 Raise the Age legislation. Toolkit is scheduled to be released in 2019.

Reporter, Criminal Investigations & Adjudication Committee of the NC Commission on the Administration of Law & Justice. Appointed by Chief Justice Mark Martin of the NC Supreme Court. Sept. 2015 – 2017.

- Prepared Committee's interim and final reports as detailed above under Publications and assisted with bill drafting.

- Researched and presented to Committee 20+ potential areas for exploration; facilitated a process by which Committee narrowed its focus to 4 topics.
- Formed Subcommittees to work on issues, including outside experts.
- Set agendas for all Committee and Subcommittee meetings; researched, obtained, and scheduled meeting presenters; facilitated Subcommittee and Committee discussion of issues; prepared meeting minutes.
- Prepared/supervised preparation of background papers for Committee members.
- Prepared briefing papers for Committee including:
  - *Indigent Defense Briefing Paper: Authority to Appoint Chief Public Defenders* (Aug. 5, 2015).
  - *Juvenile Age Briefing Paper: Transfer of 14- and 15-Year Olds* (June 20, 2016).
  - *Juvenile Age Briefing Paper: Chapter 20 Offenses/Juveniles in Jail* (June 17, 2016).
  - *Juvenile Age Briefing Paper: Chicago's Experience with Raise the Age Legislation* (May 20, 2016).
- Work with outside organizations, such as the NC Sentencing Policy and Advisory Committee, to gather data and evidence relevant to the Committee's work.
- Prepared RFP for criminal case management project; identified and helped to gather relevant data for contractor; helped organize stakeholder visits with contractor; consulted with contractor on report preparation; edited final report.
- Prepared RFP for pretrial release project; gathered data, law, and other information for contractor; served as Committee liaison with contractor for report preparation.
- Presented Committee's work at numerous stakeholder meetings, including:
  - NC Sheriffs' Association Conference
  - NC Police Benevolent Association Board Meeting
  - NC Chamber Legal Institute Board Meeting
  - NC Chief District Court Judges Meeting
  - NC Senior Resident Superior Court Judges Meeting
  - NC State Board of Education, Whole Child Committee
- Reported on work at Commission meetings and reported on progress to Committee Chair, Committee and Subcommittee members, and Commission Executive Director.
- Meetings, phone calls, and other communications with Commissioners, Committee and Subcommittee members and stakeholders to respond to inquiries about the Committee's work, hear concerns and suggestions, answer questions and formulate solutions.
- Designed and supervised Jail Study for pretrial project; prepared Jail Study report.
- Designed Juvenile Jail Survey for juvenile project.
- Prepared explanatory materials for stakeholders, including:
  - *Information for Law Enforcement Officers: Frequently Asked Questions Regarding Raising the Juvenile Age,* 7-page document (May 27, 2016).
  - *Juvenile Reinvestment: A Proposal to Raise NC's Juvenile Age,* 12-minute video; for legislators, stakeholders, and interested persons in advance of introduction of bill in the NC General Assembly (https://youtu.be/I_I8BPGzBsk) (Feb. 2017).
- Communicate with the media regarding the Committee's work.
  Print media:
  - *Rethinking Juvenile Justice,* Wilmington Star News (Aug. 10, 2016).
  - *Public Comment Sought on Juvenile Justice Reform,* Daily Reflector (Aug. 7, 2016).
  - *Should NC Raise Juvenile Age to 18,* The Times-News (Aug. 6, 2010).

- *Raising the Juvenile Age Good for All*, Fayetteville Observer (Aug. 6, 2016).
- *Weighing Potential Benefits of Juvenile Justice Reform*, The Herald-Sun (Aug. 4, 2016).
- *Time to Raise NC's Majority Age?*, The Robesonian (Aug. 2, 2016).
- *Is a 16-Year Old Really an Adult?*, Greensboro News & Record (July 31, 2016).

Radio show appearances:

- "You Don't Say," WPTF News Radio, Jan. 6, 2017 (also podcast).

- Even after the Commission ended, continued to work with stakeholders and lawmakers as and until the Committee's Juvenile Reinvestment recommendations were enacted into law in 2017 in Raise the Age legislation passed by the NC General Assembly.

Daily Consulting. Respond to daily telephone and email inquiries from trial and appellate judges, state and federal prosecutors, including special prosecutors, legislators and their staff, the NC Administrative Office of the Courts, defense attorneys, public defenders, magistrates, police officers, police attorneys, various state entities, the media, and others. Subjects cover a broad range of criminal law and evidence topics. Illustrative examples include:

- Evidence issues such as admissibility of evidence under *Crawford* and the Confrontation Clause, Evidence Rule 404(b), or under the character evidence or hearsay rules.
- Procedural issues such as double jeopardy, the constitutionality of remote testimony, forfeiture of counsel, post-conviction procedure, *Brady* violations, and indictment defects.
- Issues related to arrest, search and seizure, such as whether a seizure occurred, whether a stop was unduly extended, an officer's territorial jurisdiction to act, whether a confession was voluntary, whether *Miranda* warnings were required, and whether a warrant was supported by probable cause.
- Substantive criminal law issues such as the proper crime to charge, the proof required to establish an element of a crime, and determining whether a single or multiple convictions may obtain.
- Explanations of the effects and implications of new Supreme Court case law and new legislation.
- Bill drafting and review of proposed legislation. Examples include: For NC Conference of Superior Court Judges' Legislative Committee, prepared a paper evaluating the confrontation clause implications of proposed legislation that would adopt a version of the Uniform Child Witness Testimony by Alternative Methods Act; for a District Attorney, reviewed and commented on legislation to create a new criminal offense. Dozens of projects for members of the NC General Assembly and consultations with bill drafting staff, all covered by legislative privilege.
- Review of local policies and procedures. Examples include: For a District Attorney, reviewed policies and procedures for interviews and medical examinations of child victims at a Child Advocacy Center in light of changes in the law; for District Court Judges, reviewed local policies and procedure for pretrial release to ensure compliance with the law and to promote efficient use of resources; for a District Attorney, suggestions for handling impaired driving cases after *Melendez-Diaz*; for the NC State Crime Lab, consulted regarding policy and procedure changes in light of *Melendez-Diaz* and about proposed and new law allowing for remote testimony by laboratory analysts.

2000 – present.

NC Conference of Superior Court Judges: Continuing Judicial Education Committee. With the Committee, plan and implement continuing judicial education programs. 2001 – present.

Superior Court Judge Mentoring Program. Co-creator of this program in 2011. Program Manager, 2016 – 2018.

NC Superior Court Judges Web Page. Developed and maintain web page for North Carolina superior court judges that serves as a virtual library of conference and school materials. Contains handouts and PowerPoint presentations from conferences and schools, as well as the on-line judges' bench book and distance learning modules (www.judges.unc.edu) 2002 – present.

Crime Lab Working Group. Formed this working group of superior and district court judges, prosecutors, and representatives from Indigent Defense Services and the state Crime Lab to develop administrative solutions to reduce backlog at the Lab. Served as Reporter for the Group and drafted Working Group's report. 2013 – 2015.

Legislative appearances:

- NC Justice & Public Safety Joint Legislative Oversight Committee, Nov. 13, 2014.
- NC Courts Commission, Dec. 5, 2014.

Media coverage:

- WUNC Hear & Now, Radio Interview, Nov. 18, 2014.
- *Judges Chip Away at NC Crime Lab Backlog*, News & Observer, Nov. 28, 2014.

Council of Chief Judges of the State Courts of Appeals. Work with the Council's Education Committee to evaluate the need for a comprehensive judicial education plan for Chief Judges of the nation's appellate courts. 2013.

Legislative Reporting Service. Summarize bills, amendments, and committee substitutes considered by the NC General Assembly for the School of Government's Daily Bulletin publication. 2000 – 2010.

Governor-Elect Perdue Transition Report: Crime Control & Public Safety and Juvenile Justice and Delinquency Prevention. Facilitated small group discussions at transition meetings and prepared the transition report for these two departments.

NC Conference of Superior Court Judges: Curriculum Subcommittee. Worked with the subcommittee to develop a comprehensive multi-year curriculum for continuing judicial education for superior court judges' conferences. Nov. 2004 – Oct. 2005.

NC Child Forensic Evaluation Program—Mental Health. Evaluated the impact of the United States Supreme Court's decision in *Crawford v. Washington* on the Program's work. Consultation included a review of the Program's guidelines and procedures. Also provided guidance on evidence rules governing court testimony of program staff. 2004.

NC Conference of Superior Court Judges: Bench Book Committee. Worked with the Committee to plan revisions to the Superior Court Judges' Benchbook. 2004.

PROFESSIONAL MEMBERSHIPS

- Permanent Member, U.S. Judicial Conference for the Fourth Circuit Court of Appeals.
- American Bar Association. Member of Criminal Justice Section, Judicial Division, and Government and Public Sector Lawyers Division.
- Bar Admissions
  - North Carolina State Bar.
  - New York State Bar (resigned).
  - Connecticut State Bar (retired).
  - District of Columbia Bar (resigned).
- Court Admissions
  - U.S. Supreme Court
  - U.S. Court of Appeals for the Fourth Circuit

SERVICE TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

- Committee on Appointments, Promotion and Tenure
  - Chair (July 2017 – June 2018).
  - Member (July 2013 – Present).
- Carolina Faculty Ambassador Program (Ambassadors assist with development related to the University's ongoing Capital Campaign; serve as the only Faculty Ambassador for the School of Government) (2017 – Present).
- Financial Exigency and Program Change Committee (July 2013 – June 2016).
- Faculty Grievance Committee (2003 – 2006).

SERVICE TO THE SCHOOL OF GOVERNMENT

- Sexual Harassment Committee (2017 – present).
- Academic Policy Advisory Committee (2016 – present).
- Chair, Faculty Advisory Committee, Meredith Smith (2013 – 2019).
- Jeff Welty Full Professor Review Committee (2018).
- Capital Campaign Committee (2013 – 2015).
- Appointment, Tenure, Promotion Policy Revision Committee (2015).
- Dean's Advisory Committee (2012 – 2014).
- Faculty Advisory Committee and Teaching Mentor for faculty member Jeff Welty (2008 – 2013).
- Diversity Committee (2013).
- Faculty Advising Log Pilot Project (2013).
- Faculty Advisory Committee and Teaching Mentor for faculty member Kara Millonzi (2006 – 2013).
- Dean's Advisory Committee Subcommittee on Course Evaluation (2012 – 2013).

- Numerous subcommittees for staff hiring including: Legal Research Assistant (2012); Judicial College Judicial Educator (2007 – 2008) and Administrative Assistant (2007); Courts Group Program Manager (Mar. 2005 & Nov. 2007); Defender Educator (2005).
- NC Crimes Electronic Edition Implementation Team (2012).
- Public Policy Implementation Committee (PPIC) (2009 – 2011).
- Legislative Reporting Service Subcommittee of the PPIC (2010).
- Staff Excellence Award Selection Committee (2002 & 2009).
- Teaching Development Committee (2007 – 2008).
- Publications Content Committee (2007 – 2008).
- Numerous subcommittees for faculty hiring, including for faculty positions in: Criminal Law & Procedure (2007); Judicial Administration (2006); Sentencing & Corrections (2006); Local Government Finance (2005 – 2006); Civil Procedure; Tax Law.
- Information Technology Committee (2006 – Oct. 2007).
- Recruiting Committee (2001 – 2007).
- Appointment, Tenure & Promotions Policy Revision Committee (2005 – 2006).
- Dean's Technology Vision and Planning Group (2005).
- Chair, Deil S. Wright Capstone Paper Award Committee (2005).
- Deil S. Wright Capstone Paper Award Committee (2004).
- School of Government Faculty Secretary (2002 – 2003).

SERVICE TO THE PROFESSION

- Staffing for the Advisory Committee on Permissible Political Conduct for Judges and Judicial Candidates (2004 – 2005) (Committee established by the Chief Justice of the NC Supreme Court).
- Judicial Branch Education Study Committee (2000 – 2002) (Committee established by the Chief Justice of the NC Supreme Court and the Director of the Administrative Office of the Courts to review the judicial branch education system and make recommendations for improvement).
- Coordinated or facilitated bench-bar sessions at multiple NC Bar Association Annual Meetings.
- Presenter, UNC Law School's Festival of Legal Learning, a CLE open to all lawyers (2002, 2003, 2008).

SELECTED COMMUNITY SERVICE

- Chapel Hill Community Policing Advisory Committee, 2011 – 2014.
  - Vice-Chair, 2013 – 2014
  - Deputy Vice-Chair, 2011 – 2013
  - Chair, Citizen's Police Academy Subcommittee, 2011 – 2012.
- Assessment Team, Chapel Hill Police Department selection process for hiring of a new Assistant Police Chief, Nov. 2013 and Aug. 2013 (separate assessments).